

SENATE BILL 173

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SB 219/00 - JPR

2001 Regular Session
1r1119

By: **Senators Frosh, Harris, Hollinger, and ~~Forehand~~ Forehand, and Hooper**

Introduced and read first time: January 19, 2001

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2001

CHAPTER_____

1 AN ACT concerning

2 **Estates and Trusts - Intestate Succession - ~~Abandonment or~~ Failure to**
3 **Support Child**

4 FOR the purpose of precluding a parent from inheriting through a child if the parent
5 has abandoned the child or willfully failed to pay child support for a certain
6 period of time; ~~making certain stylistic changes; establishing that a parent shall~~
7 be deemed to have abandoned a child under certain circumstances; clarifying
8 that the distribution of a decedent's estate to the surviving parent or parents is
9 subject to certain provisions of law; making a surviving parent of a decedent
10 ineligible to be granted letters of administration or to be appointed as successor
11 personal representative or a special administrator under certain circumstances;
12 providing for the application of this Act; and generally relating to intestate
13 succession.

14 BY repealing and reenacting, without amendments,
15 Article - Estates and Trusts
16 Section 3-104(a)
17 Annotated Code of Maryland
18 (1991 Replacement Volume and 2000 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Estates and Trusts
21 Section 3-104(b) and 5-104
22 Annotated Code of Maryland
23 (1991 Replacement Volume and 2000 Supplement)

24 BY adding to

1 Article - Estates and Trusts
2 Section 3-112
3 Annotated Code of Maryland
4 (1991 Replacement Volume and 2000 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - Estates and Trusts**

8 3-104.

9 (a) If there is no surviving issue the net estate exclusive of the share of the
10 surviving spouse, or the entire net estate if there is no surviving spouse, shall be
11 distributed by the personal representative pursuant to the provisions of this section.

12 (b) [It] SUBJECT TO §§ 3-111 AND 3-112 OF THIS SUBTITLE, IT shall be
13 distributed to the surviving parents equally, or if only one parent survives, to the
14 survivor; or if neither parent survives, to the issue of the parents, by representation.
15 3-112.

16 (A) A SURVIVING PARENT IS NOT ENTITLED UNDER § 3-104 OF THIS SUBTITLE
17 TO A DISTRIBUTION OF THE NET ESTATE OF A CHILD OF THE PARENT IF THE
18 PARENT:

19 (1) ABANDONED THE CHILD; OR

20 (2) WILLFULLY FAILED TO PAY CHILD SUPPORT FOR THE CHILD FOR A
21 PERIOD OF AT LEAST 2 YEARS DURING WHICH THE PARENT WAS REQUIRED TO PAY
22 CHILD SUPPORT.

23 (B) A PARENT SHALL BE DEEMED TO HAVE ABANDONED A CHILD UNDER
24 SUBSECTION (A)(1) OF THIS SECTION IF THE CONDUCT OF THE PARENT
25 DEMONSTRATES A SETTLED PURPOSE TO WILLFULLY AND INTENTIONALLY
26 RELINQUISH ALL PARENTAL RIGHTS AND DUTIES WITH RESPECT TO THE CHILD AND
27 TO RENOUNCE AND FORSAKE THE CHILD ENTIRELY.

28 5-104.

29 In granting letters in administrative or judicial probate, or in appointing a
30 successor personal representative, or a special administrator as provided in Subtitle 4
31 of Title 6, the court and register shall observe the following order of priority, with any
32 person in any one of the following paragraphs considered as a class:

33 (1) The personal representatives named in a will admitted to probate;

34 (2) The surviving spouse and children of an intestate decedent, or the
35 surviving spouse of a testate decedent;

- 1 (3) The residuary legatees;
- 2 (4) The children of a testate decedent who are entitled to share in the
3 estate;
- 4 (5) The grandchildren of the decedent who are entitled to share in the
5 estate;
- 6 (6) [The] SUBJECT TO §§ 3-111 AND 3-112 OF THIS ARTICLE, THE parents
7 of the decedent who are entitled to share in the estate;
- 8 (7) The brothers and sisters of the decedent who are entitled to share in
9 the estate;
- 10 (8) Other relations of the decedent who apply for administration;
- 11 (9) The largest creditor of the decedent who applies for administration;
- 12 (10) Any other person having a pecuniary interest in the proper
13 administration of the estate of THE decedent who applies for administration; or
- 14 (11) Any other person.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act
16 shall apply to any administrative and judicial probate proceedings instituted on or
17 after October 1, 2001.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2001.